

¹ 5 U.S.C. § 8101 *et seq.*

jumping over a six-foot wall on an obstacle course while in the performance of duty. On the reverse side of the claim form, appellant's supervisor acknowledged that he was injured while in the performance of duty. Appellant did not stop work.

In a development letter dated January 28, 2020, OWCP informed appellant that the evidence submitted was insufficient to establish his claim. It advised him of the type of factual and medical evidence necessary to establish his claim and attached a questionnaire for his completion. OWCP afforded appellant 30 days to respond.

In a January 28, 2020 memorandum, appellant explained that the delay in reporting that his injury had occurred was because he was injured on the second day of a training program and was unfamiliar with the steps to be taken to report the injury.

By decision dated March 4, 2020, OWCP found that the February 8, 2017 incident occurred as alleged, but denied appellant's claim finding that he had not submitted any evidence containing a medical diagnosis in connection with the accepted February 8, 2017 employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On March 17, 2020 appellant requested reconsideration and submitted additional evidence.

In a February 8, 2017 report, Dr. Joe S. Greene, a Board-certified family practitioner, diagnosed a mild sprain of the right ankle. On February 9, 2017 he diagnosed a mild sprain of the right ankle, resolving.

Dr. Christopher C. Catterson, a Board-certified orthopedic surgeon, noted in a February 12, 2020 report that appellant injured his right ankle in 2017 when he jumped over a six-foot wall during a training exercise at work. He diagnosed right ankle pain since 2017. Dr. Catterson reviewed a February 12, 2020 x-ray of appellant's right ankle and indicated that he had right ankle pain of unspecified chronicity.

By decision dated April 22, 2020, OWCP denied modification of its March 4, 2020 decision, finding that appellant had not submitted medical evidence sufficient to establish causal relationship between the diagnosed right ankle condition and the accepted employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,³ that an injury was sustained in the performance of duty as alleged, and that

² *Id.*

³ See *D.F.*, Docket No. 20-0631 (issued September 23, 2020); *J.W.*, Docket No. 18-0678 (issued March 3, 2020); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁴ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁵

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place, and in the manner alleged. The second component is whether the employment incident caused a personal injury.⁶

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical opinion evidence.⁷ The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and specific employment factors identified by the employee.⁸

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a right ankle sprain causally related to the accepted February 8, 2017 employment incident.

In support of his claim appellant submitted reports dated February 8 and 9, 2017, from Dr. Greene, who diagnosed a mild sprain of the right ankle. Dr. Greene's reports did not address the cause of appellant's condition. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.⁹

OWCP also received a February 12, 2020 report from Dr. Catterson who noted appellant's history of injury and diagnosed right ankle pain since 2017. The Board has held that pain is a

⁴ *J.S.*, Docket No.18-0657 (issued February 26, 2020); *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ *L.J.*, Docket No. 19-1343 (issued February 26, 2020); *R.R.*, Docket No.18-0914 (issued February 24, 2020); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁶ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁷ *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *T.H.*, 59 ECAB 388, 393 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

⁸ *R.G.*, Docket No. 18-0792 (issued March 11, 2020); *D.J.*, Docket No. 19-1301 (issued January 29, 2020); *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁹ *See M.S.*, Docket No. 20-0437 (issued July 14, 2020); *R.Z.*, Docket No. 19-0408 (issued June 26 2019); *P.S.*, Docket No. 18-1222 (issued January 8, 2019); *see L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

symptom and not a compensable medical diagnosis.¹⁰ A medical report lacking a firm diagnosis is of no probative value.¹¹ As such, the report of Dr. Catterson is insufficient to meet appellant's burden of proof.

As appellant has not submitted rationalized medical evidence establishing that his right ankle sprain was causally related to the accepted February 8, 2017 employment incident, the Board finds that he has not met his burden of proof to establish his claim.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish that his right ankle sprain was causally related to the accepted February 8, 2017 employment incident.

¹⁰ See *C.C.*, Docket No. 19-1071 (issued August 26, 2020); *S.L.*, Docket No. 19-1536 (issued June 26, 2020); *D.Y.*, Docket No. 20-0112 (issued June 25, 2020).

¹¹ *J.P.*, Docket No. 20-0381 (issued July 28, 2020); *R.L.*, Docket No. 20-0284 (issued June 30, 2020).

ORDER

IT IS HEREBY ORDERED THAT the April 22, 2020 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 13, 2021
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board